



PATENT
ATTORNEY DOCKET NO.: 122144-1001
UT DOCKET NO.: 98006-01

DECLARATION

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our name.

The below named inventors are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled, THIO-MODIFIED APTAMER SYNTHETIC METHODS AND COMPOSITIONS, the Specification of which:

— is attached hereto.
X was filed on October 25, 1999 as Application Serial No. 09/425,804

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Serial No. 60/105,600, filed October 26, 1998

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

We hereby direct that all correspondence and telephone calls be addressed to Daniel F. Perez, Gardere & Wynne, L.L.P., 1601 Elm Street, Suite 3000, Dallas, Texas 75201-4761, (214) 999-3000.

We hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor's Full Name: David G. Gorenstein
(First) (Initial) (Last)

Inventor's Signature: *David Gorenstein*

Date: 3/6/00 Country of Citizenship: USA

Residence Address: 3922 CROWN RIDGE CT. HOUSTON, TX 77059
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address)

Second Inventor's Full Name: Bruce A. Luxon
(First) (Initial) (Last)

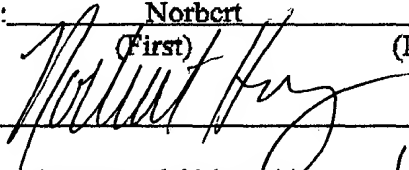
Inventor's Signature: 

Date: 3/6/00 Country of Citizenship: USA

Residence Address: 4718 Ave Q 1/2, GALVESTON, TX 77551, USA
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address) _____

Third Inventor's Full Name: Norbert Herzog
(First) (Initial) (Last)

Inventor's Signature: 

Date: 03/06/2000 Country of Citizenship: USA

Residence Address: 2008 Schulte Lane, Friendswood, TX 77546 USA
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address) _____

Fourth Inventor's Full Name: Judy Aronson
(First) (Initial) (Last)

Inventor's Signature: 

Date: 3/6/2000 Country of Citizenship: USA

Residence Address: 1205 Ball St. Galveston TX 77550
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from
residence address) _____

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David G. Gorenstein, Bruce A. Luxon
Norbert Herzog and Judy Aronson

Serial No.: 09/425,804

Filed: October 25, 1999

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Examiner: N/A
Group Art Unit: 1623
Atty. Dkt.: 122144-1001

For: THIO-MODIFIED APTAMER SYNTHETIC METHODS AND COMPOSITIONS

**ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73
AND POWER OF ATTORNEY**

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints Daniel F. Perez, Reg. No. 33, 755; Sanford E. Warren, Jr. Reg. No. 33,219; Philip G. Meyers, Reg. No. 30,478; John W. Montgomery, Reg. No. 31,124; Kay Lyn Schwartz, Reg. No. 39,020; Theodore F. Shiells, Reg. No. 31,569; Lawrence R. Watson, Reg. No. 31,891; Edwin S. Flores, Reg. No. 38,453; each an attorney or agent of the firm of GARDERE & WYNNE, L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

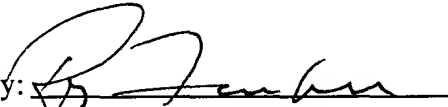
Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Daniel F. Perez, Esq.
GARDERE & WYNNE, L.L.P.
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761

ASSIGNEE:

BOARD OF REGENTS, THE
UNIVERSITY OF TEXAS SYSTEM

By: 
Name: Ray Farabee
Title: Vice Chancellor
and General Counsel

Date: February 21, 2000

ASSIGNMENT:

X Concurrently filed
— Previously recorded
Date: _
Reel: _
Frames: _



#6
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: N/A

David G. Gorenstein, Bruce A. Luxon,
Norbert Herzog and Judy Aronson

Group Art Unit No.: 1623

Attorney Docket No.: 122144-1001

Serial No.: 09/425,804

Filed: October 25, 1999

For: THIO-MODIFIED APTAMER SYNTHETIC METHODS AND COMPOSITIONS

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Board of Regents
The University of Texas System

Address of Organization: 201 West 7th Street
Austin, Texas 78701

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in

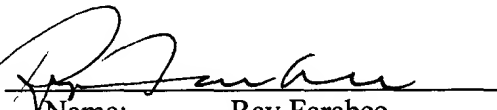
the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4):

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

BOARD OF REGENTS,
THE UNIVERSITY OF TEXAS SYSTEM

By: 
Name: Ray Farabee
Title: Vice Chancellor
and General Counsel

Date: February 21, 2000